

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #8	CCRB Case #: 201702479	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/29/2017 1:00 PM	Location of Incident: McDonald Avenue and 86th Street	Precinct: 60	18 Mo. SOL 9/29/2018	EO SOL 9/29/2018	
Date/Time CV Reported Wed, 03/29/2017 6:18 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 03/29/2017 6:18 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Angelo Pizzarro	5111	937294	PSA 1
2. POM Cesar Reyes	13929	952159	PSA 1
3. POM Patrick Sanon	00269	949616	PSA 1
4. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ronald Sanchez	03111	954315	PSA 1
2. POM Darnell Forrester	24294	950431	PSA 1
3. SGT Jonathan Sudsky	737	944296	PSA 1
4. POM William Dugan	03858	944524	PSA 1
5. POM David Yee	01004	953589	PSA 1

Officer(s)	Allegation	Investigator Recommendation
A.DTS Angelo Pizzarro	Abuse: Detective Angelo Pizzarro stopped the vehicle in which § 87(2)(b) was an occupant.	
B.POM Cesar Reyes	Abuse: Police Officer Cesar Reyes stopped the vehicle in which § 87(2)(b) was an occupant.	
C.POM Patrick Sanon	Abuse: Police Officer Patrick Sanon interfered with § 87(2)(b)'s use of a recording device.	
D.DTS Angelo Pizzarro	Abuse: Detective Angelo Pizzarro frisked § 87(2)(b)	
E.DTS Angelo Pizzarro	Abuse: Detective Angelo Pizzarro searched § 87(2)(b)	
F.POM Cesar Reyes	Abuse: Police Officer Cesar Reyes frisked § 87(2)(b)	
G.POM Cesar Reyes	Abuse: Police Officer Cesar Reyes searched § 87(2)(b)	
H. Officers	Abuse: Officers frisked § 87(2)(b)	
I. Officers	Abuse: Officers searched § 87(2)(b)	
J.DTS Angelo Pizzarro	Abuse: Detective Angelo Pizzarro searched the passenger compartment of the vehicle in which § 87(2)(b) was an occupant.	
K.DTS Angelo Pizzarro	Abuse: Detective Angelo Pizzarro interfered with § 87(2)(b)'s use of a recording device.	

Officer(s)	Allegation	Investigator Recommendation
L.DTS Angelo Pizzarro	Abuse: Detective Angelo Pizzarro searched the trunk of the vehicle in which § 87(2)(b) was an occupant.	

Case Summary

On March 29, 2017, 1:00 pm, at McDonald Avenue and 86th Street in Brooklyn, § 87(2)(b) was pulled over for speeding by Det. Angelo Pizzarro and PO Cesar Reyes (**Allegations A, B**). Multiple responding units quickly responded as back-up. After providing his documents, when § 87(2)(b) attempted to video record the scene on his phone, PO Patrick Sanon allegedly told him to stop recording (**Allegation C**). § 87(2)(b) stopped but started recording again shortly thereafter, this time setting the phone down against his dashboard. Over the next half hour, § 87(2)(b) was removed from the vehicle and frisked and searched by Det. Pizzarro (**Allegations D, E**). Allegedly, multiple officers, including PO Reyes, also frisked and searched him (**Allegations F, G, H, I**). Det. Pizarro then searched the passenger compartment of the vehicle, though § 87(2)(b) denied that he had any weapons or contraband inside (**Allegation J**). While doing so, Det. Pizzarro noticed § 87(2)(b) cell phone on the dashboard and turned its camera off (**Allegation K**). After searching the vehicle, Det. Pizzarro exited and asked § 87(2)(b) if he had any drugs in the vehicle, again. § 87(2)(b) said no and – fearing that an arrest was impending – told Det. Pizzarro to check the trunk if he wished. Det. Pizzarro opened and searched the trunk. (**Allegation L**) When nothing was recovered, § 87(2)(b) was released with a summons for § 87(2)(b). (BR10)

The cell phone video footage is embedded in this report (page 5).

Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation. Notice of Claim results are pending. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(b)]

Civilian and Officer CCRB Histories

- § 87(2)(b) filed a CCRB complaint § 87(2)(b)
- Det. Pizzarro has been a member of service for 12 years: he has been a subject in 7 prior cases, on 14 allegations, one of which was substantiated (#201609557: Charge – stop; Agency disposition – Command Discipline A; NYPD disposition unknown); § 87(2)(g)
- PO Reyes has been a member of service for 5 years: he has been a subject in 3 prior cases, on 9 allegations, two of which was substantiated (#201509097: charges - recording interference, unlawful arrest; Agency disposition – Formalized Training; NYPD disposition – No Disciplinary Action); § 87(2)(g)
- PO Sanon has been a member of service for 7 years: he was a subject in 1 prior case, closed as complainant uncooperative; § 87(2)(g)

Findings and Recommendations

Officer Identification

Frisk and Search:

§ 87(2)(b) stated that the vehicle stop drew numerous additional units to the scene and alleged

that he was frisked and searched by approximately four of these responding officers: a uniformed white male, heavy-set and bearded; a uniformed black male, heavy-set and 5'8" tall; and two plainclothes males he could not describe. (BR01)

- The video footage shows § 87(2)(b) at the rear of the vehicle with two plainclothes officers in contact with him. Det. Pizzarro said that he was the officer on the right and acknowledged frisking him. The officer to the left was identified by Det. Pizzarro, in a previous frame, as PO Reyes. While PO Reyes denied that it was him, frame-by-frame review established the match with certainty. § 87(2)(g)

- § 87(2)(b) was unclear about whether the video, which documents no further contact by other officers before the recording is interrupted, showed the three others he described. (BR02). In addition to the subjects, the investigation interviewed five officers present on scene: From Anti-Crime, Sgt. Jonathan Sudsky (plainclothes white male) and PO Darnell Forrester (plainclothes black male); and from Conditions, PO Ronald Sanchez (uniformed Hispanic male), PO David Yee (uniformed Asian male), and PO Patrick Sanon (uniformed black male). The officers all denied interacting with § 87(2)(b) verbally or physically. None of the officers were able to adequately account for who was present § 87(2)(g)

Recording Interference:

- § 87(2)(b) alleged that when he attempted to video the stop, prior to his removal from the vehicle, a uniformed black male officer (5'8" tall, "husky," in his 40s) instructed him to stop recording.
- Of the identified set of responding officers, only PO Patrick Sanon (uniformed black male, 5'5", 180 lbs., age § 87(2)(b)) matched the description (PO Forrester, a 6'2" tall black male, was in plainclothes). PO Sanon denied verbally interacting with § 87(2)(b) but acknowledged that he went to the driver's seat after arriving as back-up to briefly get a look at him. § 87(2)(g)

Allegation A: Detective Angelo Pizzarro stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B: Police Officer Cesar Reyes stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation J: Detective Angelo Pizzarro searched the passenger compartment of the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that Det. Pizzarro and PO Reyes stopped the vehicle, and that Det. Pizzarro then searched its passenger compartment.

§ 87(2)(b) stated that on March 29, 2017, at about 1:00 pm, he was in his girlfriend's black BMW, driving 10 miles over the speed limit on Macdonald Avenue. He denied committing any other traffic infractions, and denied driving in an otherwise reckless manner. § 87(2)(b) denied consuming any drugs or alcohol that day, but acknowledged that he had an unopened bottle of Corona beer, which was resting inside the open compartment of the driver's-side door. Upon being pulled over by Det. Pizzarro and his partner, a 6'2" tall white male, § 87(2)(b) promptly provided his license, registration, and insurance, retrieved from wallet and glove compartment,

and briefly challenged the officers' claim that he was 25 miles over the speed limit. Det. Pizarro left with § 87(2)(b) documents without further comment. At this time, additional police vehicles – approximately four in total – began arriving with multiple officers now gathering at the scene. Shortly thereafter, Det. Pizarro returned to § 87(2)(b) and ordered him to exit. Complying, § 87(2)(b) was sent to the rear of the BMW, where he was frisked and searched by multiple officers. Det. Pizarro then entered the BMW and rummaged around the front and the rear seats. § 87(2)(b) was ultimately released with a summons for § 87(2)(b). He said he was stopped for one hour. (BR01)

Det. Pizarro stated that § 87(2)(b) was stopped for speeding down MacDonald Avenue; though no official slow zones were crossed, he noted the proximity of schools in the general area. PO Reyes added that § 87(2)(b) also failed to obey the stop sign at the 86th Street corner, and that he turned without signalling and went down MacDonald Avenue at about 40 miles per hour (the speed limit was 25 miles per hour); he recalled no erratic driving or sudden lane shifts. The officers said that § 87(2)(b) pulled over promptly. Det. Pizarro approached on the driver's side, PO Reyes on the passenger-side. (BR03-BR04)

Det. Pizarro testified that he suspected § 87(2)(b) of being intoxicated soon after stopping him: upon reaching the drivers-side window, he immediately noticed the odor of recently burned marijuana emanating from within; when he then leaned into the vehicle to confirm the odor, Det. Pizarro noticed the Corona in the driver's-side door compartment, but could not determine if it was open or closed. Det. Pizarro saw no further evidence of marijuana use or signs of intoxication but stated that § 87(2)(b) demeanor and behavior was initially unusual: that he was expressionless, motionless and unresponsive in affect and that he failed to produce his license for several continuous minutes. To verify § 87(2)(b) sobriety before releasing him with a summons, Det. Pizarro ordered him out of the vehicle, conducted a pat-down frisk, and briefly questioned him. § 87(2)(b) denied consuming or possessing any contraband and told him he could "go check the car," which Det. Pizarro understood as voluntary consent. Det. Pizarro then proceeded to search the vehicle's passenger compartment. Det. Pizarro did not recall whether he also searched the vehicle's trunk. Because no contraband was recovered, § 87(2)(b) was summonsed and released. (BR03)

PO Reyes, who did not recall significant aspects of the incident, § 87(2)(g) regarding § 87(2)(b) demeanor, he did not recall any evasiveness or noncompliance; and regarding the emanating marijuana odor, he stated that he only caught a "light smell" of marijuana, the faintness of which did not indicate recent burning. While PO Reyes also suspected possible intoxication, he was only concerned by § 87(2)(b) reckless driving and the Corona in the vehicle. (BR04)

None of the other responding officers smelled marijuana on scene or recalled it being a factor at all. Besides Sgt. Sudsky, who was only made aware of the Corona, none of the officers recalled any suspected intoxication. None recalled anything notable about § 87(2)(b) demeanor or behavior. (BR05-BR09)



2017-07-14_10-12-02.mp4

The video footage (embedded above) opens on § 87(2)(b) in the driver's seat, with police activity at the rear of the vehicle. At 2:12, Det. Pizzarro comes up and states: "You were more than 20 mph over the speed limit - technically that's reckless driving - and you can get arrested for that, you know that." Det. Pizzarro says that he's still checking § 87(2)(b) information, "but in a few minutes, I'm gonna have you come out of your car." At 4:24, Det. Pizzarro asks § 87(2)(b) to step out of the vehicle. They go the rear to join PO Reyes at the rear. Between 4:50 and 5:40, Det. Pizzarro (at right) appears to be in contact with § 87(2)(b) person, as PO Reyes (at left) stands by closely. Det. Pizzarro then steps away and enters the vehicle at 6:17. At 7:05, he makes contact with the phone's display.

In New York, vehicle stops are justified when "there exists at least a reasonable suspicion that the driver or occupants of the vehicle have committed, are committing, or are about to commit a crime," or "where the police have probable cause to believe that the driver . . . has committed a traffic violation." (*People v. Robinson*, 97 N.Y.2d 341; BR19) "If during the course of a stop an officer acquires suspicion that a detainee committed a different crime, the detention may be extended for a reasonable time to verify or dispel that suspicion." (*Arizona v. United States*, 567 U.S. 387; BR20) Under the automobile exception to the warrant requirement, the odor of marijuana emanating from a vehicle is per se probable cause to search the passenger compartment of the vehicle. (*People v. Chestnut*, 43 A.D.2d 260, 351 N.Y.S.2d 26 (App. Div. 1974); BR24)

§ 87(2)(g)

Allegation C: Police Officer Patrick Sanon interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) stated that he began video-recording after seeing responding officers gather at the scene. But when he started doing so, one of these officers – a uniformed black male, 5'8" tall and "husky," identified by the investigation as PO Patrick Sanon – told him to stop recording. § 87(2)(b) put his phone away as a result. § 87(2)(b) was unclear about whether he actually captured footage of this encounter and did not provide any to suggest otherwise. (BR01)

PO Sanon testified that he briefly approached the BMW, soon after arriving as back-up, to get a quick look at § 87(2)(b) he walked up to the driver's-side window, glanced at § 87(2)(b) then walked back to the area around his vehicle, where he remained for the duration of the stop. PO Sanon said that § 87(2)(b) had his hands on the steering wheel; he saw no cell phone in his

hands. PO Sanon stated that he never spoke to § 87(2)(b) and denied telling him to stop recording. (BR09)

None of the other officers saw § 87(2)(b) with his cell phone out, recording the scene; none instructed him to stop recording, or heard another officer do so. (BR03-BR09)

§ 87(2)(g)

Allegation D: Detective Angelo Pizzarro frisked § 87(2)(b)

Allegation E: Detective Angelo Pizzarro searched § 87(2)(b)

Allegation F: Police Officer Cesar Reyes frisked § 87(2)(b)

Allegation G: Police Officer Cesar Reyes searched § 87(2)(b)

Allegation H: Officers frisked § 87(2)(b)

Allegation I: Officers searched § 87(2)(b)

It is undisputed that Det. Pizzarro subsequently frisked § 87(2)(b) § 87(2)(g)

§ 87(2)(b) stated that he was sent to the rear of the BMW, where Det. Pizzarro's partner and the uniformed black male were standing with three white males, one in uniform, heavy-set, and bearded, and two in plainclothes. There, § 87(2)(b) alleged that he was jointly frisked and searched by the four responding officers. Det. Pizzarro approached to pat his ankles down but mainly stood back and supervised. Det. Pizzarro's partner asked § 87(2)(b) about the Corona bottle, and Det. Pizzarro asked if he had anything illegal in the vehicle, but the officers did not question him any further at this point. (BR01)

Det. Pizzarro acknowledged that he ordered § 87(2)(b) out to the rear of the vehicle and frisked him, given the reckless driving and abnormal demeanor -- which he found evasive -- the marijuana odor, and the Corona bottle. Det. Pizzarro stated that he did so because: "I wanted to make sure he didn't have weapons or any hidden compartments containing alcohol -- in my experience I have seen that done, hidden flasks, liquor flasks inside their pants, inside their jackets, and for the safety of obviously my partner and myself." Det. Pizzarro stated that he was obligated to frisk for contraband because: "[if § 87(2)(b) would have had alcohol on him, to let him get back in the car, that would have endangered the public -- I wanted to confirm that he didn't have any alcohol on him." Det. Pizzarro did not recall what § 87(2)(b) was wearing and articulated no reason to believe that § 87(2)(b) was armed; he stated that he saw nothing "to make me feel uncomfortable" at any point; he never saw any furtive movements. Det. Pizzarro did not recall if he searched § 87(2)(b) pockets, stating "he may or may not have." After frisking § 87(2)(b) Det. Pizzarro proceeded to search the BMW for evidence of contraband. Besides referencing the VTL violations, Det. Pizzarro noted none of the above in his memo book. (BR03)

PO Reyes did not recall frisking or searching § 87(2)(b) or being present for such action. As to what he saw and did after § 87(2)(b) removal, PO Reyes only recalled conducting warrant checks and eventually issuing § 87(2)(b) the summons, stating that the incident was much too typical of a vehicle stop. When asked if there was any reason to frisk or search for weapons, PO Reyes only cited the fact that misdemeanor § 87(2)(b) was an arrestable offense. PO Reyes' summons narrative and memo book entry only noted the VTL infractions – speeding, disobeyed stop sign, failure to signal. (BR10)

Sgt. Sudsky, the Anti-Crime supervisor, said that he arrived on scene soon after the stop and found § 87(2)(b) already out of the vehicle, by the driver's door. Sgt. Sudsky, who recalled few additional details of the incident, did not see § 87(2)(b) being frisked or searched. However, Det. Pizzarro told him -- after the stop was complete -- that he had frisked § 87(2)(b) for making furtive movements, without specifying what these movements were. Sgt. Sudsky never got close to § 87(2)(b) but saw from a distance that he appeared to very nervous, but was not aware of § 87(2)(b) being uncooperative or possibly intoxicated at any point. (BR05) None of the other responding officers smelled marijuana on scene or recalled it being a factor at all. None of the officers recalled any suspected intoxication. None recalled anything notable about § 87(2)(b) demeanor or behavior. (BR05-BR09)



det.search.mp4

The video (see page 5) shows that between 4:50 and 5:40, Det. Pizzarro (at right) appears to be in contact with § 87(2)(b) person, as PO Reyes (at left) stands by closely. The slow-speed segment extracted above show that Det. Pizzarro goes into § 87(2)(b) right-side chest pocket (00:08), after patting the area down. Whether PO Reyes frisks or searches § 87(2)(b) during this period is unclear.

Generally, an officer may conduct a protective frisk only when there is a “threat of physical injury or reasonable suspicion that the person is armed.” (People v. De Bour, 40 N.Y.2d 210; BR30) Generally, warrantless body searches are prohibited unless incident to an contemporaneous arrest. (People v. Reid, 24 N.Y.3d 615; BR23) Notwithstanding these rules, under controlling New York state precedent “the smell of marihuana smoke, with nothing more, can be sufficient to provide police officers with probable cause to search an automobile and its occupants.” (People v. Chestnut, 43 A.D.2d 260, 351 N.Y.S.2d 26 (App. Div. 1974); BR24)

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g)

Allegation K: Detective Angelo Pizzarro interfered with § 87(2)(b)'s use of a recording device.

It is undisputed that Det. Pizzarro, while searching the passenger compartment, turned off § 87(2)(b) video recording cell phone.

§ 87(2)(b) stated that at some point after PO Sanon's alleged instruction to stop recording, he started video recording again, this time setting the phone down against his dashboard, facing the interior. After he was released with a summons, § 87(2)(b) realized that Det. Pizzarro had turned his phone recording phone off after entering the vehicle. (BR01)

When he started searching the vehicle, Det. Pizzarro stated that he was distracted by a "hissing" noise emanating from the dashboard. When he looked, he saw that the noise was coming from a cell phone, which was resting upright against the dashboard, the screen facing him; looking closer, he saw a "red dot" on the screen's display; he did not recall if anything else was on the display. Because he was bothered by the noise, Det. Pizzarro proceeded to silence the phone by pressing the red button. Det. Pizzarro did not see anything on the display to indicate that the cell phone's video recording function was engaged and had no reason to think that he was being recorded. Det. Pizzarro denied attempting to prevent the cell phone from video recording. Det. Pizzarro stated that both his personal and departmental phones are smart phones. Reviewing the video (see page 5), Det. Pizzarro could not identify the "hissing" noise in the audio of the footage. (BR03)

PO Reyes did not hear any noises from inside the vehicle, noting that the overheard train made the area very loud. (BR04)

As stated in Patrol Guide procedure 208-03 and in departmental FINEST communications, members of service are prohibited from interfering with a person's "use of [a] recording device to record police interactions" – intentional interference "violates the First Amendment." (BR25)

§ 87(2)(g)

Allegation L: Detective Angelo Pizzarro searched the trunk of the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) stated that after being frisked and searched, Det. Pizzarro asked if he had anything illegal in the vehicle. § 87(2)(b) said no, but Det. Pizzarro searched the vehicle anyway, without consent, for approximately 10 minutes. Det. Pizzarro then exited and asked § 87(2)(b) if he had “any drugs in the car.” Fearful that he was going to be removed to the stationhouse, § 87(2)(b) denied it again and now told Det. Pizzarro that he was free to search the trunk if he wished. Det. Pizzarro then proceeded to open and search the trunk. Upon finding ski masks inside, he asked if § 87(2)(b) used them to commit robberies. § 87(2)(b) said no, and – to cease further questioning – said that he used the masks for “kinky” personal matters. (BR01)

Det. Pizzarro did not recall if he searched the trunk and recalled nothing about ski masks. When questioned about the marijuana odor and the Corona at the rear, § 87(2)(b) denied consuming drugs or alcohol and said he had no contraband. Det. Pizzarro observed no visible signs of intoxication on § 87(2)(b) besides “somewhat glassy and slightly red” eyes; his speech and gait were normal. However, Det. Pizzarro did smell a “slight” odor of marijuana on § 87(2)(b) clothing. Det. Pizzarro did not conduct a field sobriety test because he has no training to do one. At some point during questioning – he could not further specify its duration or substance – § 87(2)(b) told Det. Pizzarro that he could “go check the car,” which he took as voluntary consent. Det. Pizzarro stated that he then searched the passenger compartment for several minutes: after determining that the Corona was not open, he checked under the front seats, around the dashboard, and inspected the rear – areas § 87(2)(b) could have stashed contraband into. The marijuana odor was stronger inside, generally dispersed through the interior. Viewing the incident footage, Det. Pizzarro stated that the video showed him opening and examining an ash tray (at 6:45) inside which he found “small, small, small remnants” of brown rolling paper, of the type used to smoke marijuana. When asked to describe how small these remnants were, he stated: “Very small – like nothing to do anything with.” When asked what the ash deposit smelled like, Det. Pizzarro first stated that it “smelled nasty.” When asked if it smelled like marijuana, he stated: “A mixture of everything.” When asked if the marijuana odor was stronger in the container, he stated: “You could smell it.” Besides this, Det. Pizzarro saw no other trace of burnt marijuana. No contraband was recovered. (BR03)

As discussed, PO Reyes only observed a “light smell” of marijuana emanating from inside the vehicle; its faintness did not suggest to him that marijuana had been smoked recently and saw no further signs of consumption or intoxication. As such, PO Reyes disregarded the odor as consequential to the incident, stating: “I’ve done plenty of car stops where there is a light smell but if I don’t see any weed, that does not become an issue with the car stop.” Regarding the Corona, PO Reyes did not know if the bottle was open or closed. PO Reyes did not recall what, if anything, Det. Pizzarro said to § 87(2)(b) about the bottle; he did not recall if there any questioning following the observation, and did not do so himself. PO Reyes never observed any other signs that § 87(2)(b) was intoxicated and did smell any odor of alcohol. (BR04)

Sgt. Sudsky, who knew only that a beer bottle was present in the vehicle, was not aware of any suspected intoxication and recalled no search of the vehicle. However, when asked, Sgt. Sudsky stated that he did see the vehicle’s trunk open, but knew nothing else about it --why it was open,

who opened it, or who had possession of the keys. He did not recall when he first noticed it, or how long it was open for. He saw nobody searching or otherwise visually inspecting inside and never looked it himself. (BR05) The other officers recalled no vehicle search or open trunk. (BR06-BR09)

The scope of a search is defined by its object and limited to those areas where evidence of it may reasonable be found. (Cal. v. Acevedo, 500 U.S. 565; BR26). When no evidence of burnt marijuana is found in the passenger compartment, the search may not be extended to the trunk of the vehicle. (People v. Ramos, 122 A.D.3d 462; BR27) Consequently, both state and controlling federal decisions have ruled that odor alone cannot serve as a trunk search predicate, unless occupants admitted to use of marijuana in the vehicle. (People v. Jones, 54 Misc. 3d 536; United States v. Little, 945 F. Supp. 79; BR21, BR28)

“Consent to search is voluntary when it is a true act of the will, an unequivocal product of an essentially free and unconstrained choice. Voluntariness is incompatible with official coercion, actual or implicit, overt or subtle...whether consent has been voluntarily given or is only a yielding to overbearing official pressure must be determined from the circumstances...[and] no one circumstance is determinative...” (People v. Gonzalez, 39 N.Y.2d 12; BR29)

§ 87(2)(g)

[REDACTED]

Squad: 8

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date